

Message

From: Hough, Palmer [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=51CD0B0D81AC416FA265944D6E6575CE-PHOUGH]
Sent: 8/10/2020 4:06:36 PM
To: Barger, Cindy [Barger.Cindy@epa.gov]; Rountree, Marthea [Rountree.Marthea@epa.gov]; Kaiser, Russell [Kaiser.Russell@epa.gov]
CC: Schaedle, Candi [Schaedle.Candi@epa.gov]; Widner, Jacob [Widner.Jacob@epa.gov]; Simpson, Jonathan [Simpson.Jonathan@epa.gov]
Subject: RE: Pebble Mine - My quick comments

Cindy

During our 12 weeks of intensive 404 coordination with the Corps this spring, the Corps repeatedly stated that it can and will be performing additional analysis to support its 404(b)(1) evaluation to be included in the ROD.

I think this is why you see some of the recommendations framed the way they are in the draft letter.

-Palmer

From: Barger, Cindy <Barger.Cindy@epa.gov>
Sent: Monday, August 10, 2020 10:00 AM
To: Rountree, Marthea <Rountree.Marthea@epa.gov>; Kaiser, Russell <Kaiser.Russell@epa.gov>
Cc: Schaedle, Candi <Schaedle.Candi@epa.gov>; Widner, Jacob <Widner.Jacob@epa.gov>; Simpson, Jonathan <Simpson.Jonathan@epa.gov>; Hough, Palmer <Hough.Palmer@epa.gov>
Subject: Pebble Mine - My quick comments

Hi Marthea/Russ – Here's my quick comments. In short, I want to see all the comments reframed as specific concerns to address one of the following three reasons and recommendations that show how they are clearly meeting that objective

1. Help the Corps meet the ROD requirement to "State whether all practicable means to avoid or minimize environmental harm from the alternative selected have been adopted, and if not why not" (40 CFR 1505.2(c))
2. Help the Corps meet the ROD requirements to include "a monitoring and enforcement program shall be adopted and summarized where applicable for any mitigation." (40 CFR 1505.2(c)) that is effective and enforceable (as provided in additional guidance in the 2011 CEQ mitigation memo or
3. Is helping the Corps with meeting the 404(b)(1) requirement to show that there is no practicable alternative to the selected alternative that is "which would have less adverse impact on the aquatic ecosystem, so long as the alternative does not have other significant adverse environmental consequences" and citing the specific sections of the 404(b)(1) analysis that this would be supporting (e.g., Subparts C-J) (Defer to OW for review on these comment/concerns) Having a specific permit condition with these would be great.

Thanks!
Cindy

Cindy S. Barger
Director, NEPA Compliance Division
Office of Federal Activities
U.S. Environmental Protection Agency

Washington, DC

Tel: 202-564-3169

Cell: Ex. 6 Personal Privacy (PP)